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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/659,981	09/10/2003	Charles E. Schinner	100200314-1	5055

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EXAMINER

LAM, HUNG H

ART UNIT	PAPER NUMBER
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2622

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/22/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/659,981

Applicant(s)

SCHINNER ET AL.

Examiner

Hung H. Lam

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09/10/03 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Specification

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claim 26 is rejected under 35 USC § 101 because the claimed invention is directed to non-statutory subject matter as follows. Claim 26 defines instructions merely for performing functional descriptive material without providing any practical application, which produces tangible, concrete and useful results. The examiner suggests amending the claims as follows. At line 3 of claim 26, "containing instructions for" should be changed to --encoded with computer executable instructions for-- or equivalent in order to make the claims statutory. Any amendments to the claims should be commensurate with its corresponding disclosure.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-6, 9-14, 17-22 and 25-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Takahashi (US-7,002,625).

With regarding **claim 1**, Takahashi discloses a digital camera comprising:

a memory device wherein image data generated by said digital camera is storable in said memory device (Fig. 1; Recording Medium 36; Col. 3, Ln. 30-34), said memory device comprising memory locations that are partitionable into a plurality of directories (see Figs. 4, 8 and 11 for the plurality of directories that are created within DCIM memory); and

a switching device having a first state and a second state (Fig. 7; see step S24-D25; Col. 7, Ln. 33-55; a switching device is inherently included for switching to a correct photographer directory in order to form or register the corresponding image file);

wherein image data is storable in a first of said plurality of directories; and wherein image data is storable in a second of said plurality of directories when said switching device is toggled from said first state to said second state (see Figs. 4, 8 and 11; Col. 7, Ln. 55-Col. 8, Ln. 5; Col. 9, Ln. 1-21).

With regarding **claim 2**, Takahashi discloses the digital camera wherein said switching device is toggled between said first state and said second state by audible signals (Figs. 1-2 wherein the photographer recognizing unit 46 includes voiceprint diction circuit 54; Col. 3, Ln. 40-53; Col. 4, Ln. 52-67; Col. 7, Ln. 55-Col. 8, Ln. 5).

With regarding **claim 3**, Takahashi discloses the digital camera wherein said switching device is toggled between said first state and said second state upon detection of human voice (Figs. 1-2 wherein the photographer recognizing unit 46 includes voiceprint diction circuit 54; Col. 3, Ln. 40-53; Col. 4, Ln. 52-67; Col. 7, Ln. 55-Col. 8, Ln. 5).

With regarding **claim 4**, Takahashi discloses the digital camera further comprising a housing (Fig.1; a housing for camera 100 is inherently included), wherein said switching devices comprises a member that extends from said housing, and wherein said switching device is toggled between said first state and said second state upon movement of said member (Fig. 1; Operation Key 24; Col. 5, Ln. 47-67; Col. 6, Ln. 24-35; Col. 8, Ln.1-5).

With regarding **claim 5**, Takahashi discloses the digital camera wherein, upon toggling of said switching device, image data generated during a first period is storable in said first directory and image data generated during a second period is storable in said second directory (see Figs. 4, 8 and 11; Col. 6, Ln. 4-23; Col. 7, Ln. 55-Col. 8, Ln. 5; Col. 9, Ln. 1-21).

With regarding **claim 6**, Takahashi discloses the digital camera wherein a directory is creatable upon toggling of said switching device (see step S6, S16, S26, S36 in Figs. 5-7 and 9, respectively).

With regarding **claim 9**, Takahashi discloses a method of using a digital camera, said method comprising:

generating first image data (Fig. 7; step S22);

storing said first image data in a first directory of a memory device (Fig. 7; see steps S27-S28); and

toggling a switching device associated with said digital camera (Fig. 7; see step S25);

wherein said toggling (Fig. 7; see step S25) causes subsequent image data to be stored in a second directory of said memory device (Fig. 7; see steps S26-S28; Col. 7, Ln. 33-Col. 8, Ln. 5; Col. 9, Ln. 1-21).

With regarding **claim 10**, Takahashi discloses the method wherein said toggling comprises generating audio signals that are detectable by said switching device (Figs. 1-2 wherein the photographer recognizing unit 46 includes voiceprint diction circuit 54; Col. 3, Ln. 40-53; Col. 4, Ln. 52-67; Col. 7, Ln. 55-Col. 8, Ln. 5).

With regarding **claim 11**, Takahashi discloses the method wherein said toggling comprises generating voice signals that are detectable by said switching device (Figs. 1-2 wherein the photographer recognizing unit 46 includes voiceprint diction circuit 54; Col. 3, Ln. 40-53; Col. 4, Ln. 52-67; Col. 7, Ln. 55-Col. 8, Ln. 5).

With regarding **claim 12**, Takahashi discloses the method wherein said digital camera comprises a housing (Fig.1; a housing for camera 100 is inherently included), wherein said switching devices comprises a member that extends from said housing, and wherein said toggling comprises moving said member (Fig. 1; Operation Key 24; Col. 5, Ln. 47-67; Col. 6, Ln. 24-35; Col. 8, Ln.1-5).

With regarding **claim 13**, Takahashi discloses the method wherein, upon toggling of said switching device, image data generated during a first period is stored in said first directory and image data generated during a second period is stored in said second directory (see Figs. 4, 8 and 11; Col. 6, Ln. 4-23; Col. 7, Ln. 55-Col. 8, Ln. 5; Col. 9, Ln. 1-21).

With regarding **claim 14**, Takahashi discloses the method wherein said toggling creates a directory within said memory device (see Figs. 4, 8 and 11 for the plurality of directories that are created within DCIM memory).

With regarding **claim 17**, Takahashi discloses a method of sorting image data generated by a digital camera, said method comprising:

generating first image data using said digital camera (Fig. 7; step S22);

storing said first image data in a first directory within a memory device electrically connected to said digital camera (Fig. 7; see steps S27-S28; see Figs. 4, 8 and 11 for the plurality of directories that are created within DCIM memory); and

toggling a switching device associated with said digital camera (Fig. 7; see step S25), said toggling causing second image data to be stored in a second directory within said memory device (Fig. 7; see steps S26-S28; Col. 7, Ln. 33-Col. 8, Ln. 5; Col. 9, Ln. 1-21).

With regarding **claim 18**, Takahashi discloses the method wherein said toggling comprises detecting audible signals (Figs. 1-2 wherein the photographer recognizing unit 46 includes voiceprint diction circuit 54; Col. 3, Ln. 40-53; Col. 4, Ln. 52-67; Col. 7, Ln. 55-Col. 8, Ln. 5).

With regarding **claim 19**, Takahashi discloses the method wherein said toggling comprises detecting voice signals (Figs. 1-2 wherein the photographer recognizing unit 46 includes voiceprint diction circuit 54; Col. 3, Ln. 40-53; Col. 4, Ln. 52-67; Col. 7, Ln. 55-Col. 8, Ln. 5).

With regarding **claim 20**, Takahashi discloses the method wherein said digital camera comprises a housing (Fig.1; a housing for camera 100 is inherently included), wherein said switching devices comprises a member that extends from said housing, and wherein said toggling comprises moving said member (Fig. 1; Operation Key 24; Col. 5, Ln. 47-67; Col. 6, Ln. 24-35; Col. 8, Ln.1-5).

With regarding **claim 21**, Takahashi discloses the method wherein, upon toggling of said switching device, image data generated during a first period is stored in said first directory and image data generated during a second period is stored in said second directory (see Figs. 4, 8 and 11; Col. 6, Ln. 4-23; Col. 7, Ln. 55-Col. 8, Ln. 5; Col. 9, Ln. 1-21).

With regarding **claim 22**, Takahashi discloses the method wherein said toggling creates a directory within said memory device (see Figs. 4, 8 and 11 for the plurality of directories that are created within DCIM memory).

With regarding **claim 25**, Takahashi discloses a digital camera comprising:

a memory means for storing image data generated by said digital camera (Fig. 1; Recording Medium 36; Col. 3, Ln. 30-34), said memory means being partitionable into a

plurality of directories (see Figs. 4, 8 and 11 for the plurality of directories that are created within DCIM memory); and

a switching means (Fig. 7; see step S24-D25; Col. 7, Ln. 33-55; a switching device is inherently included for switching to a correct photographer directory in order to form or register the corresponding image file);

wherein toggling of said switching means causes image data to be stored in one of said plurality of directories (see Figs. 4, 8 and 11; Col. 7, Ln. 55-Col. 8, Ln. 5; Col. 9, Ln. 1-21).

With regarding **claim 26**, Takahashi discloses a digital camera comprising a computer and a computer-readable medium operatively associated with said computer, said computer-readable medium encoded with computer executable instructions:

storing first image data generated by said digital camera in a first directory of a memory device (Fig. 7; see steps S27-S28);

sensing toggling of a switching device (Fig. 7; see step S24-D25; Col. 7, Ln. 33-55; a switching device is inherently included for sensing and/or switching to a correct photographer directory in order to form or register the corresponding image file); and

storing subsequent image data generated by said digital camera in a second directory of said memory device upon sensing said toggling of said switching device (Fig. 7; see steps S26-S28; Col. 7, Ln. 33-Col. 8, Ln. 5; Col. 9, Ln. 1-21).

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6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 7, 15 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi in view of Abram (US-6,462,778).

With regarding **claim 7**, Takahashi fails to explicitly disclose the digital camera wherein at least one of said image files has an audio file name associated therewith.

In the same field of endeavor, Abram teaches camera system wherein captured image and audio are link together (Fig. 7; see steps 710, 720, 724 and 726; Col. 4, Ln. 59-Col. 5, Ln. 14). Abram further teaches that the audio file may subsequently be recalled and replayed when the digital image file is recalled (Col. 5, Ln. 15-50). In light of the teaching from Abram, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Takahashi and Abram by linking captured image and audio file together. The modifications thus permit an audio file to be recalled and replayed when the digital image file is recalled (Abram: Col. 5, Ln. 15-50).

With regarding **claim 15**, the claim contains the same limitations as claimed in claim 7. Therefore, claim 15 is analyzed and rejected as previously discussed in claim 7.

With regarding **claim 23**, the claim contains the same limitations as claimed in claim 7. Therefore, claim 23 is analyzed and rejected as previously discussed in claim 7.

8. Claims 8, 16 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi in view of Abram and further in view of Mauldin (US-5,664,227).

With regarding **claim 8**, Takahashi in view of Abram fails to disclose the digital camera of claim 7, wherein said image files are searchable based on said audio file name.

In the same field of endeavor, Mauldin teaches a video digital library system wherein voice, images and text are integrated to form an indexed searchable digital audio-video library and thus providing a searchable digital audio-video library (Col. 1, Ln. 19-36). In light of the teaching from Mauldin, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Takahashi and Abram by integrating voice, images and text to form an indexed searchable digital audio-video library. The modification thus provides a searchable digital audio-video library (Mauldin: Col. 1, Ln. 19-36).

With regarding **claim 16**, the claim contains the same limitations as claimed in claim 8. Therefore, claim 16 is analyzed and rejected as previously discussed in claim 8.

With regarding **claim 24**, the claim contains the same limitations as claimed in claim 8. Therefore, claim 24 is analyzed and rejected as previously discussed in claim 8.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a) Cazier (US-6,657,661) discloses a camera with GPS enabled file management.

b) Wasula (US-2002/0,054,224) discloses camera wherein the user selects a profile that defines the picture taking activity.

c) Izume (US-2004/0,186,820) discloses a camera wherein images are selectively stored in a group category.

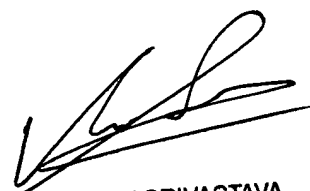
10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung H. Lam whose telephone number is 571-272-7367. The examiner can normally be reached on Monday - Friday 8AM - 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, SRIVASTAVA VIVEK can be reached on 571-272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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